

MAY 09 2008

REMARKS

This paper is filed in response to the Office Action mailed 18th January 2008. Claims 1- 3, 5- 15, 18- 23, 25 and 26 were pending in the application. No claims have been amended or cancelled. Therefore, claims 1- 3, 5- 15, 18- 23, 25 and 26 are resubmitted for consideration.

Withdrawal of Finality of Action:

According to MPEP §706.07(a), a “ second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement...” In the present case, the Examiner has introduced a new ground for rejection based on new art, namely Ishihara and Masuda. These citations allegedly disclose the affixing of fabric to a conveyor belt and have been cited to support a rejection of claims 1-3, 5, 7-15, 18-23 and 25-26 under 35 U.S.C. § 103.

It is respectfully noted that the feature “a) affixing a first textile article to the conveyor to substantially prevent relative movement there between”, was originally present in the claims according to the preliminary amendment of June 18, 2007. According to the Official Action dated August 22, 2007, this feature was not addressed by the Examiner. In Applicant's response of November 23, 2007, this claim feature was extensively relied upon. Additional amendments to the claims were made to further clarify the claims and to more clearly distinguish the invention. It is Applicant's understanding that Ishihara and Masuda are not presently relied upon in relation to these additional amendments but are primarily submitted in relation to the “affixing” feature.

Furthermore, Applicant requested at page 10 of the response of November 23, 2007, the opportunity of a telephonic interview prior to issue of a final rejection. It is believed that such a request is in conformity with MPEP 713.01 Section III Scheduling and Conducting an Interview.

For the above reasons, withdrawal of the finality of the action of January 18, 2008 is respectfully requested.

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Rejection of Claims 1-3, 5-15, 18-23, 25 and 26:

Claims 1-3, 5, 7-15, 18-23 and 25-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller or Dawson in view of Ishihara or Masuda.

According to the Official Action, Miller discloses a method for upgrading a textile article such as clothing. It is respectfully noted that this is not the case. Present claim 1 requires the method to be for articles made from cloth (this is distinct from the word "clothing" which would suggest a garment). Miller is understood to describe a method of pattern dyeing a web of broadloom nylon carpet (Miller, column 5, line 14). At column 6, line 27 to line 39 of Miller it is suggested that other textiles could also be treated by substituting wool for nylon. Nevertheless, no reference is given to cloth and none of the listed materials includes either cotton or linen (which would generally be considered typical choices for "cloth").

Furthermore, according to the Official Action, the article is transported to an array of nozzles (54) and coated with a dyeing ink and subsequently coated with a second dye color or pattern. It is respectfully noted that Miller does not however describe such coating. The nozzles (54) are described at column 4, line 33 to line 37 as forming part of a patterning device 20 for applying colored dye to the substrate. The steps of "painting, coating or finishing" presently defined according to claim 1 specifically exclude patterning or printing. The Examiner's attention is drawn to paragraphs [0007], [0008] and [0009] of the present application where these processes are defined. The patterning device 20 of Miller does not perform painting, coating or finishing. The solid shade dyer 12 of Miller apparently "paints" the substrate. Its operation is described at column 3, line 58 to line 64 of Miller, but does not appear to include the digitally controlled nozzles required by the claim.

As also stated in the response of November 23, 2007, Miller does not disclose that a first sequence of operations may be carried out on a first article and a second distinct sequence of operations may be carried out on a subsequent article. The Examiner correctly notes that Miller also fails to disclose affixing of a textile article to a conveyor.

Similar differences exist with respect to Dawson. In particular, the textile articles denoted by reference 14 are in fact carpet tiles (see Dawson page 2, line 104,105) not cloth. It is respectfully noted that all of the cites to Dawson given by the Examiner relate to the patterning of such carpet tiles, and the Examiner has acknowledged the failure of Dawson to disclose affixing of the carpet tiles to the conveyor.

According to the Official Action of January 18, 2008, the Examiner has cited Ishihara and Masuda as teaching that a fabric can be affixed to a conveyor belt.

It should be noted that both Ishihara and Masuda relate to printing of textiles and in the case of Masuda, cloth is specifically mentioned. The Examiner points out that it would have been obvious to one of ordinary skill in the art to modify the device of Miller or Dawson by use of a double-sided adhesive sheet or suction in order to affix the cloth to the conveyor.

Applicant respectfully disagrees. Neither Ishihara nor Masuda teaches that carpet material could or should be affixed by such procedures. Carpet is generally two-dimensionally stable and therefore is not subject to the staggering or distortion referred to e.g. by Masuda. There is therefore no motivation to combine such references in this context.

Even were the teachings of Ishihara and Masuda followed, they would not lead the person of ordinary skill to perform painting, coating or finishing. Ishihara and Masuda are specifically directed to printing of textiles. It is in this context that the problem of distortion of the substrate may manifest itself since a first set of nozzles must accurately print an image at the same location as a second set of nozzles. In the case of painting, coating or finishing, the skilled person would see no benefit in this additional complexity.

Despite combining the features of Ishihara and Masuda, the resulting method would not achieve all the limitations of present claim 1. Claim 1 requires that the steps a) to e) are repeated for a second textile article in a different manner. The Examiner has not provided basis for this feature in any of the art of record. In the case of Dawson, individual carpet tiles are disclosed. It is however not evident to the person of ordinary skill how (or why) such carpet tiles could be affixed to a transport arrangement in the manner of Ishihara and Masuda, since both of those disclosures appear to relate to a single continuous web.

Thus despite combining the teachings of all of these documents, the prior art according to Miller, Dawson, Ishihara and Masuda still at least fails to disclose or adequately suggest the features of claim 1. For all of these reasons, Applicant submits that claim 1 is non-obvious over the cited references. The Examiner is respectfully requested to reconsider the rejection and allow claim 1.

Claims 23 and 25 and dependent claims 2, 3, 5 to 15, 18 to 22 and 26 rely on the same inventive features as described in relation to claim 1. For the same reasons, reconsideration and allowance of these claims is also respectfully requested.

Prior to issue of a final rejection, Applicant respectfully requests the opportunity of a telephonic interview. As Applicant's representative is located in Europe, the Examiner

is requested to contact the undersigned by email at owend@howrey.com in order to arrange such an interview.

Authorization to Communicate via email

Pursuant to MPEP 502.03, authorization is hereby given to the USPTO to communicate with Applicant's representative concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file. Applicant's representative, David P. Owen, can be reached at email address owend@howrey.com.

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing the docket number shown above.

The Examiner is respectfully requested to contact the undersigned in order to resolve any questions.

Respectfully submitted,



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